

**EMPLOYMENT STANDARDS TRIBUNAL**

In the matter of an appeal pursuant to Section 112 of the  
*Employment Standards Act* S.B.C. 1995, C. 38

- by -

Cambridge House International Inc.  
Operating as Howe Street Awards  
("Howe Street Awards")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Lorna Pawluk

**FILE NO.:** 96/642

**DATE OF HEARING:** February 28, 1997

**DATE OF DECISION:** March 3, 1997

**DECISION**

**APPEARANCES**

Marie Antoinette Shields      on her own behalf

**OVERVIEW**

This is an appeal brought by Cambridge House International Inc., operating as Howe Street Awards (“Howe Street Awards”) pursuant to section 112 of the *Employment Standards Act* (“Act”) from Determination #CDET 004261 issued by the Director of Employment Standards (“the Director”) on October 8, 1996. The Director determined that Howe Street Awards owes Marie Antoinette Shields \$2,757.225 in unpaid wages.

**ISSUE TO BE DECIDED**

Whether Howe Street Awards owes Marie Antoinette Shields \$2,757.25 in unpaid wages.

**FACTS**

In October of 1995, Marie Shield was hired by Joseph R. Marten to sell tickets to the Howe Street Awards, an event, he, as a mining stock promoter, was organizing. The director's delegate determined that she was owed \$2757.25 in unpaid wages and interest. Mr. Marten appealed on behalf of Howe Steet Awards Inc. An oral hearing was scheduled for February 28, 1997; both parties were notified.

At the oral hearing, only Ms Shields attended. No one appeared on behalf of the appellant Howe Street Awards Inc. Ms Shields testified that she agreed to sell tickets to the awards dinner in exchange for 15% of the proceeds of sale. The Director's delegate determined that Ms Shields was still owed \$2757.25. There was no contradictory evidence.

**ANALYSIS**

In appeals before this Tribunal, the onus is on the appellant to show that the Determination must not stand. Since the appellant failed to appear at the oral hearing, this onus has not been satisfied. Accordingly, the appeal is dismissed. The Determination which found that Howe Street Awards owes Ms Shields \$2757.25 is allowed to stand. Since Ms Shields did not file a cross appeal in regards to the amount owed, I lack the jurisdiction to consider increasing the sum awarded by the Director's delegate.

**ORDER**

Pursuant to Section 115 of the *Act*, I confirm Determination No.CDET 004261.

**Lorna Pawluk  
Adjudicator  
Employment Standards Tribunal**